

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:07CV239
(4:93CR83)**

DANNY ALONZO SURRETT,

Petitioner,

Vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER OF DISMISSAL

THIS MATTER is before the Court on the Petitioner’s filing entitled, “18 U.S.C. - 2255,” which was filed as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 by the Clerk.

On review of the Petitioner's filing, the Court finds that the pleading is more appropriately a notice of appeal of his sentence imposed for a violation of his supervised release. Therefore, the Court will dismiss this civil action as improvidently filed and direct the Clerk to file the pleading as a notice of appeal.

IT IS, THEREFORE, ORDERED that this action is hereby
DISMISSED WITHOUT PREJUDICE as improvidently filed.

IT IS FURTHER ORDERED that the Clerk file the pleading as a notice of appeal and forward same to the Fourth Circuit Court of Appeals.

Signed: July 20, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

